

By: Huberty

H.B. No. 233

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to providing accelerated instruction for public school  
3 students who fail to achieve satisfactory performance on certain  
4 assessment instruments.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 28.0211, Education Code, as amended by  
7 H.B. No. 4545, Acts of the 87th Legislature, Regular Session, 2021,  
8 is amended by amending Subsections (a-1), (a-4), and (f-4) and  
9 adding Subsection (q) to read as follows:

10 (a-1) Each time a student fails to perform satisfactorily on  
11 a mathematics or reading ~~[an]~~ assessment instrument administered  
12 under Section 39.023(a) in the third, fourth, fifth, sixth,  
13 seventh, or eighth grade, the school district in which the student  
14 attends school shall provide to the student accelerated instruction  
15 in the applicable subject area during the subsequent summer or  
16 school year and either:

17 (1) allow the student to be assigned a classroom  
18 teacher who is certified as a master, exemplary, or recognized  
19 teacher under Section 21.3521 for the subsequent school year in the  
20 applicable subject area; or

21 (2) provide the student supplemental instruction  
22 under Subsection (a-4).

23 (a-4) If a district receives funding under Section 29.0881,  
24 the Coronavirus Response and Relief Supplemental Appropriations

1 Act, 2021 (Div. M, Pub. L. No. 116-260), or the American Rescue Plan  
2 Act of 2021 (Pub. L. No. 117-2), then supplemental instruction  
3 provided by a school district under Subsection (a-1)(2) must:

4 (1) include targeted instruction in the essential  
5 knowledge and skills for the applicable grade levels and subject  
6 area;

7 (2) be provided in addition to instruction normally  
8 provided to students in the grade level in which the student is  
9 enrolled;

10 (3) be provided for no less than 30 total hours during  
11 the subsequent summer or school year and, unless the instruction is  
12 provided fully during summer, include instruction no less than once  
13 per week during the school year;

14 (4) be designed to assist the student in achieving  
15 satisfactory performance in the applicable grade level and subject  
16 area;

17 (5) include effective instructional materials  
18 designed for supplemental instruction;

19 (6) be provided to a student individually or in a group  
20 of no more than 10 [~~three~~] students, unless the parent or guardian  
21 of each student in the group authorizes a larger group;

22 (7) be provided by a person with training in the  
23 applicable instructional materials for the supplemental  
24 instruction and under the oversight of the school district; and

25 (8) to the extent possible, be provided by one person  
26 for the entirety of the student's supplemental instruction period.

27 (f-4) If a student who fails to perform satisfactorily on an

1 assessment instrument specified under Subsection (a) fails [~~in the~~  
2 ~~subsequent school year~~] to perform satisfactorily on an assessment  
3 instrument in the same subject on two subsequent consecutive  
4 attempts, the superintendent of the district, or the  
5 superintendent's designee, shall meet with the student's  
6 accelerated learning committee to:

7 (1) identify the reason the student did not perform  
8 satisfactorily; and

9 (2) determine, in order to ensure the student performs  
10 satisfactorily on the assessment instrument at the next  
11 administration of the assessment instrument, whether:

12 (A) the educational plan developed for the  
13 student under Subsection (f) must be modified to provide the  
14 necessary accelerated instruction for that student; and

15 (B) any additional resources are required for  
16 that student.

17 (g) The commissioner may waive for one year the requirements  
18 under this section regarding accelerated learning committees and  
19 accelerated instruction for a school district in which at least 60  
20 percent of the students who received accelerated instruction during  
21 the school year preceding the previous school year performed  
22 satisfactorily in the subsequent school year on the assessment  
23 instrument in each subject in which the student previously failed  
24 to perform satisfactorily. Not later than the beginning of each  
25 school year, the commissioner shall publish a list of school  
26 districts that qualify for a waiver under this subsection.

27 SECTION 2. This Act applies beginning with the 2022-2023

1 school year.

2           SECTION 3. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect on the 91st day after the last day of the  
7 legislative session.